

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 215 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

CHAUDARI MANHARBHAI LAXMANBHAI

Versus

SURAT MUNICIPAL CORPORATION

Appearance:

None present for Petitioners

MR PRASHANT G DESAI for Respondent No. 1, 2

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 06/04/2000

ORAL JUDGEMENT

1. None present for the petitioner and learned counsel Mr. Desai appearing for the respondents. I have gone through the writ petition filed by the petitioner and counter affidavit filed by the respondents. The petitioners claimed for direction to the respondents to appoint them to the post of Overseer and prepare a fresh list of Schedule Tribe and Schedule Caste candidates for appointment to the post of overseer in the respondent Corporation. The Corporation issued an advertisement for filling up 50 posts of Overseer out of which 3 posts have been reserved for Schedule Tribes and 5 posts have been reserved for Schedule Caste. After interview, the authority prepared a selection list of 100 candidates and in the selection list only 3 candidates of Schedule Tribe and 5 candidates of Schedule Caste have been selected. The petitioners allege that since the number of posts reserved for SC/ST candidates are more than 3 and 5 respectively, then the Authority should have included more names in the selection list of SC/ ST candidates. Because of non-selection of the petitioners for the post of Overseer, they have filed this writ petition for the direction to the respondent Corporation to prepare the list of SC/ ST candidates with more names. I have gone through the affidavit filed by the respondent Corporation. It is stated in the counter affidavit that since the suitable candidates were not found from amongst the SC/ST category, the authority could not select required number of SC/ST candidates for filling up posts of Overseer reserved for SC and ST category. When suitable candidates are not available, I am of the view that the authority is competent to carry forward the vacancies and because of non availability of the candidates there is no obligation on the respondent Corporation to select non-suitable candidates and appoint them to posts. I do not find any irregularity in the selection list prepared by the respondent - Corporation. When suitable candidates are not available, the names of the petitioners cannot be included in the selection list. I am of the view that no any irregularity has been committed by the respondent Corporation and there is no merit in the writ petition. This petition is dismissed with no order as to costs.

(P.K.Sarkar, J)

(Vipul)

